#7
Petition to make special
S. Zimmerman

Docket No. 1419.1059

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Yoshinobu KANEKO, et al.

Confirmation No.: 3620

Serial No.: 10/056,073

Group Art Unit: 3712

Filed: January 28, 2002

Examiner: Unassigned

For: ATTACHMENT STRUCTURE FOR MOTOR FOR TOY, TOY WITH THE ATTACHMENT STRUCTURE, AND RACING CAR TOY

PETITION TO MAKE SPECIAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicants respectfully request that the above-identified application be advanced out of turn for examination in accordance with 37 C.F.R. §1.102(d) and MPEP §708.02 VIII - Special Examining Procedure for Certain New Applications-Accelerated Examination. In accordance with MPEP §708.02 VIII, each of the requirements therein has been met by the Applicants.

These requirements have been complied with as follows:

(A) this paper is a Petition to Make Special and the fee of $130.00 set forth in 37 C.F.R. §1.17(h) is enclosed;

(B) all claims are directed to a single invention, or if the Office determines that all claims presented are not previously directed to a single invention, the Applicants will make an Election without traverse as a prerequisite to the grant of special status;

(C) a statement that a pre-examination search was made, listing the field of search by class and subclass, publication, chemical abstracts, foreign patents, etc., is enclosed herewith;

(D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims is enclosed herewith; and

(E) a detailed discussion of the references, which discussion points out, with the particularity required by 37 C.F.R. §1.111(b) and (c), how the claimed subject matter is patentable over the references, is enclosed herewith.

Based on the foregoing and the enclosed, the Petition to make the above-identified application special and to be advanced out of turn for examination is respectfully requested.

Should any questions arise from this Petition, the Examiner in charge of the above-identified application is requested to contact the Applicants' attorney.

If any further fees are required in connection with the filing of this Petition and related documents, please charge the same to our deposit account number 19-3935.

Respectfully submitted,

STAAS & HALSEY

Darleen J. Stockley

Darleen J. Stockley
Registration No. 34,257

May 13, 2003
Date

700 Eleventh Street, N.W.
Washington, D.C. 20001
Telephone: (202) 434-1500

3712

S&H Form: (01/03)

REPLY/AMENDMENT FEE TRANSMITTAL

Attorney Docket No.	1419.1059
Application Number	10/056,073
Filing Date	January 28, 2002
First Named Inventor	Yoshinobu KANEKO, et al.
Group Art Unit	3712
Examiner Name	Not yet assigned

AMOUNT ENCLOSED	598.00

FEE CALCULATION (fees effective 01/01/03)

CLAIMS AS AMENDED	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra	Rate	Calculations
TOTAL CLAIMS	32	- 20 =	12	X $ 18.00 =	$ 216.00
INDEPENDENT CLAIMS	6	- 3 =	3	X $ 84.00 =	252.00

Since an Official Action set an original due date of _, petition is hereby made for an extension to cover the date this reply is filed for which the requisite fee is enclosed (1 month ($110); 2 months ($410); 3 months ($930); 4 months ($1,450); 5 months ($1,970)):	
If Petition to Make Special is enclosed, add ($130)	$130.00
If Statutory Disclaimer under Rule 20(d) is enclosed, add fee ($110)	
Total of above Calculations =	$ 598.00
Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28)	
TOTAL FEES DUE =	$ 598.00

(1) If entry (1) is less than entry (2), entry (3) is "0".
(2) If entry (2) is less than 20, change entry (2) to "20".
(4) If entry (4) is less than entry (5), entry (6) is "0".
(5) If entry (5) is less than 3, change entry (5) to "3".

METHOD OF PAYMENT

☒ Check enclosed as payment.

☐ Charge "TOTAL FEES DUE" to the Deposit Account No. below.

☐ No payment is enclosed and no charges to the Deposit Account are authorized at this time (unless specifically required to obtain a filing date).

GENERAL AUTHORIZATION

☒ If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees necessary to:

Deposit Account No. 19-3935
Deposit Account Name STAAS & HALSEY LLP

☒ The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC § 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.

SUBMITTED BY: STAAS & HALSEY LLP

Typed Name	Darleen J. Stockley	Reg. No.	34,257
Signature	Darleen J Stockley	Date	May 13, 2003

Docket No. 1419.1059

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Examiner: Unassigned

For: ATTACHMENT STRUCTURE FOR MOTOR FOR TOY, TOY WITH THE ATTACHMENT STRUCTURE, AND RACING CAR TOY

STATEMENT THAT A PRE-EXAMINATION SEARCH HAS BEEN MADE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the enclosed Petition to Make Special, and as required by MPEP §708.02 VIII, a pre-examination search has been made with regard to the above-identified application. Enclosed is a Pre-Examination Search Report In Accordance With MPEP §708.02 VIII(E) which has a detailed discussion of the references, which discussion points out, with the particularity required by 37 C.F.R. §1.111(b) and (c), how the claimed subject matter is patentable over the references. The following is a list of the fields of search as required by MPEP §708.02 VIII(C).

Class 446 Amusement Devices: Toys

Subclass
- 454 - remotely controlled
- 456 - by radio signal
- 457 - including intrinsic motive power means for propulsion
- 460 - steering vehicle
- 465 - wheeled vehicle
- 466 - wheels vertically movable relative to chassis
- 468 - having means permitting turning of wheel for steering
- 471 - demountable

A manual search at the U.S. Patent and Trademark Office and a computer database search were conducted.

If there are any additional questions or comments regarding this search, the Examiner is respectfully requested to contact the Applicants' attorney regarding the same.

Respectfully submitted,

STAAS & HALSEY

Darleen J. Stockley

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Registration No. 34,257

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PRE-EXAMINATION SEARCH REPORT IN ACCORDANCE WITH MPEP §708.02 VIII(E)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESULTS OF PRE-EXAMINATION SEARCH

SUMMARY OF PRESENT APPLICATION IN INDEPENDENT CLAIMS

Claims 1, 6, and 9 are independent claims. Independent claim 1 recites an attachment structure of a motor of a toy, to set a motor in a motor containing part provided in a base body of a toy. Independent claim 6 recites a toy having a base body and a motor holding member. Independent claim 9 recites a racing vehicle toy having an attachment structure of a motor of the toy.

Claim 1 recites that the attachment structure comprises a motor holding plate that swings on a predetermined rotational shaft that is attached to the base body. The motor holding plate swings to take an open position to open the motor containing part, and swings to take a closed position to close the motor containing part. The motor holding plate holds a body part of the motor set in the motor containing part at the closed position. The motor holding plate comprises an engaging portion which engages an engage portion provided on the base body when the

motor holding plate is disposed at the closed position. In addition, the motor holding plate serves as a radiation plate.

Claim 6 recites that the toy comprises a base body provided with a battery containing part to contain a battery and a motor containing part to contain a cylindrical motor and a motor holding member to swing on a shaft approximately parallel to a rotational shaft of the cylindrical motor. The motor holding member swings to take an open position to open the motor containing part, and swings to take a closed position to close the motor containing part. The motor holding member comprises an engaging portion that engages with an engage portion provided on the base body while the engaging portion holds an exposed peripheral portion of the motor set in the motor containing part at the closed position. In addition, the motor holding plate serves as a radiation plate.

Claim 9 recites a racing vehicle toy that comprises an attachment structure of a motor of the toy. The attachment structure sets a motor in a motor containing part provided in a base body of the toy, and comprises a motor holding plate that swings on a predetermined rotational shaft attached to the base body. The motor holding plate swings to take an open position to open the motor containing part and swings to take a closed position to close the motor containing part. The motor holding plate holds a body part of the motor set in the motor containing part at the closed position. The motor holding plate comprises an engaging portion to engage an engage portion provided on the base body when the motor holding plate is disposed at the closed position. In addition, the motor holding plate also serves as a radiation plate.

The search was directed to amusement devices that include toys. More specifically, the search was directed to amusement devices that are toys that are remotely controlled, controlled by a radio signal, toys that include intrinsic motive power means for propulsion, steering vehicles, wheeled vehicles, toys having wheels vertically movable relative to the chassis, toys having means permitting turning of a wheel for steering, and demountable toys. In the search, references were looked for which teach toy platforms which have motor supports. The present invention provides a novel and inexpensive attachment structure of a motor of a toy without the complicated prior art disadvantages. In a specific embodiment of the invention, an attachment structure is presented as illustrated in FIG. 2 of the application. As shown in FIG. 9, the attachment structure swings to close and hold the motor in the motor containing part.

DETAILED DISCUSSION OF REFERENCES FOUND AS A RESULT OF THE PRE-EXAMINATION SEARCH

Soulakis et al., U.S. Patent No. 3,628,284

Soulakis et al. discloses a miniature high-speed electric toy racing vehicle with a rechargeable battery. See FIG. 2. See also column 2, lines 55-66, which state, "As seen more easily in FIG. 2, the chassis 13 is provided with a motor compartment 31 to hold a high-speed DC electric motor 33, and a battery compartment 35 to hold a rechargeable DC potential source such as a nickel-cadmium cell 37 having a positive battery electrode 39 and a negatively poled case electrode 41. The chassis also includes a rear tab 43 positionable in a flat slot 45 in the body 15, and a forward transverse slot 47 adjacent the chassis' front end 49 to hold a downwardly extending body tab 51, the associated tabs and slots providing a convenient method of removably holding the body 15 to the chassis 13."

As shown in FIG. 2 of Soulakis et al. '284, Soulakis et al. '284 teaches a motor compartment 31 to hold a high-speed DC electric motor 33, and a battery compartment 35 to hold a rechargeable DC potential source such as a nickel-cadmium cell 37 having a positive battery electrode 39 and a negatively poled case electrode 41. However, Soulakis et al. '284 does not disclose or suggest a motor holding plate that swings to take an open position to open the motor containing part, and swings to take a closed position to close the motor containing part. In addition, Soulakis et al. '284 fails to teach a motor holding plate that serves as a radiation plate.

Mabuchi, U.S. Patent No. 3,827,181

Mabauchi '181 discloses an electrically driven model airplane where a battery cassette holder is located and accessible through an opening in the fuselage of the model airplane. At column 1, lines 28-32 state, "It is also desirable in such a model plane to afford easy maintenance, inspection, and repair, replacement etc. of the components mounted in the fuselage, such as the electric motor, the radio receiver, the control devices, etc." FIG. 11 shows a compartment for a motor with terminals 37, 38 (see col. 4, lines 9-13), but does not teach a motor holding plate that swings to take an open position to open the motor containing part, and swings to take a closed position to close the motor containing part. In addition, Mabauchi '181 fails to teach a motor holding plate that serves as a radiation plate.

Ogawa, U.S. Pat. No. 4,073,086

Ogawa '086 discloses an amphibious toy with a removable motor. At column 3, lines 8-30 state, "Referring specifically to FIG. 3 the operation of the marine helicopter 2 as a land vehicle can be seen. In this regard, a waterproof encased motor 28 is removably mounted within the fuselage 4. The shape of the fuselage can be subjectively varied within the parameters of our invention. A drive shaft extends forward of the motor 28 and terminates in a pinion gear 30. Extending upward from the waterproof motor 28 is an alignment post 32 that is designed to be positioned within an alignment slot on the fuselage 4. Attached to the waterproof motor 28 and likewise waterproofed is a battery storage chamber 34 which terminates in a switch 36. The tail member 10 extends over the motor 28 and battery storage chamber 34 and is dimensioned to permit an external manipulation of the switch 36. The fuselage 4 in the embodiment of FIG. 3 also includes a plurality of annular alignment ribs 40 that assist in positioning the motor pinion gear 30 in an appropriate operative position relative to the power train 42. The motor means lies within a plane containing, for definition of our description, the longitudinal axis of the fuselage member, regardless of the shape of the fuselage member."

Thus, Ogawa '086 teaches a tail member 10 that extends over the motor 28 and the battery storage chamber, but fails to teach or suggest a motor holding plate that swings to take an open position to open the motor containing part, and swings to take a closed position to close the motor containing part. In addition, Ogawa '086 fails to teach a motor holding plate that serves as a radiation plate.

Ogawa, U.S. Pat. No. 4,183,173

Ogawa '173 discloses a toy car that can be taken apart. The motor is connected to the rear wheel section. When the rear wheel section is detached, so is the motor. See FIG. 3, as well as column 6, lines 6-17 which state, "As shown symbolically in FIG. 3 a suitable motor 116 energized by an electric battery, a windable constant tension spring or by a fly wheel, could be housed in the box shaped hollow member 54. Such motor 116 could drive the rear wheels 58 through suitable gears 118. A battery to drive an electric motor may be located in the toy vehicle itself especially in view of the fact that one of the accessory units could be readily adapted for battery storage. Alternatively the requisite electric power could be supplied through rails; such various means of energizing the motor intended to be within the scope of the present invention."

Thus, Ogawa '173 fails to teach or suggest a motor holding plate that swings to take an open position to open the motor containing part, and swings to take a closed position to close the motor containing part. In addition, Ogawa '173 fails to teach a motor holding plate that serves as a radiation plate.

Rhodes, U.S. Pat. No. 4,406,085

Rhodes '085 discloses a modular radio control unit for use with multiple toy vehicles. At column 2, lines 17-23 state, "When the control unit is plugged into the cavity in the body of the car, electrical connections are made between the contacts mounted on the control unit and the contacts mounted on the wall cavity. Operation of a remote control transmitter may then cause the control unit to provide control signals to the motors to control the speed and direction of the car." In this case, the motor is not being removed.

As is seen in FIG. 5 of Rhodes '085, and is described at column 3, in lines 37-45, each of the rear wheels 26 is coupled to one of the two DC motors 28 and 30, and the motors 28, 30 are mounted within the rear section of the body of the car. Rhodes '085 does not teach or suggest a motor holding plate that swings to take an open position to open the motor containing part, and swings to take a closed position to close the motor containing part. In addition, Rhodes '085 fails to teach a motor holding plate that serves as a radiation plate.

Goldfarb et al., U.S. Pat. No. 4,511,343

Goldfarb et al. '343 discloses a wheeled miniature toy vehicle with easily selectable plural modes of use. The motor housing 27 is located against one of the side walls 11, and is oriented so that its drive shaft 283 (FIGS. 3 and 4) is perpendicular to the two wheel-rotation axes. This motor is of a type whose drive shaft extends both fore and aft from the motor housing. The motor housing 27 is secured against longitudinal motion by two blocks 319, which are integral with the chassis floor 19 and the adjacent side wall.

As is shown in FIGs. 5 and 6 of Goldfarb et al. '343, and is described in lines 15-23 of col. 4, the motor, the speed-reduction mechanism, the selecting means, and the battery means, when the battery means are supported in the supporting means, substantially fully occupy the interior compartment. The motor simply sits within the housing. Thus, Goldfarb et al. '343 does not teach or suggest a motor holding plate that swings to take an open position to open the motor containing part, and swings to take a closed position to close the motor containing part. In addition, Goldfarb et al. '343 fails to teach a motor holding plate that serves as a radiation plate.

Uchino, U.S. Pat. No. 4,764,150

Uchino '150 discloses a running toy of a radio control system that divides into blocks element parts to make repairing or setting up easy. The rear wheel drive unit block 1 is, as shown in FIG. 2, composed of rear wheels 20, speed reduction gears 21, 22, a motor 23 and a switch. These members are housed in upper and lower casings 25, 25, and terminals of wirings to be connected to the motor 23 and the switch 24 are connected to plugs 26 projecting in parallel on the upper casing 25.

As is seen in FIG. 2 of Uchino '150, the motor 23 is located in a compartment formed by upper and lower casings 25, 25, and is coupled to terminals of wiring. Uchino '150 does not teach or suggest a motor holding plate that swings to take an open position to open the motor containing part, and swings to take a closed position to close the motor containing part. In addition, Uchino '150 fails to teach a motor holding plate that serves as a radiation plate.

Derrah, U.S. Pat. No. 6,074,271

Derrah '271 discloses a radio controlled skateboarding toy with changeable motor positions to provide different centers of balance so that the toy can perform a variety of maneuvers.

As is seen in FIG. 2 of Derrah '271, the motor 30 is mounted beneath the skateboard using a flexible motor mount 31, which is flexible at its base to allow total freedom of movement of the flex-driven truck hangar 40. Derrah '271 does not teach or suggest a motor holding plate that swings to take an open position to open the motor containing part, and swings to take a closed position to close the motor containing part. In addition, Derrah '271 fails to teach a motor holding plate that serves as a radiation plate.

In addition, the following six references were cited in a search report performed by the patent office in Great Britain on a corresponding application filed by applicants. Copies of the six references have already been submitted to the United States Patent Office together with an Information Disclosure Statement which was submitted to the United States Patent Office on October 18, 2002. The six references include: USPNs 3,040,485; 3,293,462; 3,733,744; 4,889,516; 5,045,013; and GB 1145812.

Jolley, U.S. Pat. No. 3,041,485

Jolley '485 discloses a toy vehicle having a detachable motor-containing power unit (100). The vehicle has a compartment (c) into which the power unit fits, the compartment having a hinged lid (42) which is lifted to allow the power unit to be placed in the compartment. When the power unit is placed in the compartment, the lid is closed, and engages with latch members (48) provided on the tailgate (4). The power unit has plugs (266, 268, 270) which, when the unit is placed in the compartment, electrically connect with jacks (260, 262, 264) provided in the compartment, thereby connecting the power unit to an electricity source (180, 182) and allowing operation of the toy (claims 1, 4, 6, 9 and 12). However, Jolley '485 fails to teach a motor holding plate that serves as a radiation plate, as is taught by the present invention.

Wright, U.S. Pat No. 3,293,462

Wright '462 discloses a toy vehicle having a motor (13) attached to a motor carrier (12) by a saddle clamp (14). The saddle clamp has projections (15) which resiliently engage with shoulders (16) on the saddle clamp, thereby holding the motor in place. The motor carrier has contacts (18) which are electrically connected with the motor when the motor is held in the motor carrier. The saddle claim is not hingedly connected to the motor carrier as required in the present invention. Thus, Wright '462 does not teach or suggest a motor holding plate that swings to take an open position to open the motor containing part, and swings to take a closed position to close the motor containing part. In addition, Wright '462 fails to teach a motor holding plate that serves as a radiation plate.

Hiltpold et al., U.S. Pat. No. 3,733,744

Hiltpold et al. '744 discloses a toy motorcycle having a lower casing (55) for holding a motor (79). An upper casing (53) is provided which is fixed to the lower casing by engaging barbs (75) with apertures (71), thereby enclosing the motor. A positive contact member (85) is arranged in the lower casing to provide a contact between a positive terminal (161) of the battery (81) and the motor, and a negative contact plate (63) is attached on the upper casing to provide a contact between the negative terminal (163) of the battery and the motor, when the casings are fixed together. Hence, Hiltpold et al. '744 does not teach or suggest a motor holding plate that swings to take an open position to open the motor containing part, and swings to take a closed position to close the motor containing part. In addition, Hiltpold et al. '744 fails to teach a motor holding plate that serves as a radiation plate.

Auer et al., U.S. Pat. No. 4,889,516

Auer '516 discloses two toy vehicles, each having a compartment (20 and 23) which receives a motor unit (21). The compartments each have a hingedly attached cover (22 and 24) which is opened to allow the motor unit to be inserted and removed. However, Auer et al. '516 fails to teach a motor holding plate that serves as a radiation plate.

Fujitani, U.S. Pat. No. 5,045,013

Fujitani '013 discloses a toy vehicle having a motor (3b) held in a frame (3c) by a clip (3d). The clip has resilient fingers (3f) which engage with recesses (3g) in the frame to hold the motor in place. The frame has terminals (not shown) which electrically connect with the motor when the motor is held in the frame by the clip. The clip is not hingedly attached to the frame as is required by the present invention. Thus, Fujitani '013 does not teach or suggest a motor holding plate that swings to take an open position to open the motor containing part, and swings to take a closed position to close the motor containing part. In addition, Fujitani '013 fails to teach a motor holding plate that serves as a radiation plate.

Dipnall (Minimodels), G.B. Pat. No. 1,145,812

Dipnall '812 discloses a toy car having a motor (17) held in place on a chassis by a spring clip (20). Thus, Dipnall '812 does not teach or suggest a motor holding plate that swings to take an open position to open the motor containing part, and swings to take a closed position to close the motor containing part. In addition, Dipnall '812 fails to teach a motor holding plate that serves as a radiation plate.

Thus, none of the prior art references found in the pre-examination search disclose or suggest the various features recited in the various independent claims of the present application discussed above.

If there are any additional questions or comments regarding this search, the Examiner is

respectfully requested to contact the Applicants' attorney regarding the same.

Respectfully submitted,

STAAS & HALSEY

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